

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JONATHAN C. SMART,

Case No. 3:24-cv-00355-MMD-CSD

Petitioner,

ORDER

v.

TERRY ROYAL, *et al.*,

Respondents.

Pro se Petitioner Jonathan C. Smart has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and an incomplete motion for leave to proceed *in forma pauperis* (“IFP”). (ECF Nos. 1, 1-1 (“Petition”).)

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP application on the approved form and includes three specific documents: (1) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (2) a financial certificate signed by the prisoner and an authorized prison official, and (3) a copy of the prisoner’s account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Although Smart filed an IFP application, he has not included the three required supporting documents. (See ECF No. 1.) Smart has until September 20, 2024, to either pay the \$5.00 filing fee or submit his missing IFP application documents.

It is therefore ordered that the initial screening of the Petition under the Rules Governing Section 2254 Cases is deferred until such time as Smart has fully complied with this order.

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1 It is further ordered that on or before September 20, 2024, Smart must (1) file a
2 complete IFP application with the three supporting documents listed above, *or* (2) pay the
3 \$5.00 filing fee. Smart's failure to timely comply with this order will result in the dismissal
4 of the Petition without prejudice and without further advance notice.

5 The Clerk of Court is further directed to send Smart a blank copy of the IFP
6 application form for inmates along with instructions.

7 DATED THIS 12th Day of August 2024

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10 MIRANDA M. DU
11 CHIEF UNITED STATES DISTRICT JUDGE
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